

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerald Cagle et al.

Application No. 10/715,055

Filed: November 17, 2003

For: METHOD OF TREATING
OPHTHALMIC INFECTIONS WITH
MOXIFLOXACIN COMPOSITIONS

: Confirmation No. 3314

: Group Art Unit: 1618

: Examiner: Fay, Zohreh A.

: Atty Dkt No.: 007109.00001

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Customer Service Window
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Sir:

Pursuant to the duty of disclosure under 37 CFR §§ 1.56 and 1.97-1.98, the document listed on the attached PTO form PTO/SB/08a is being brought to the attention of the Examiner. The Examiner is requested to initial the space adjacent the document's entry on the form and to return a copy of the initialed form to confirm that the document has been considered and has been officially made of record in this application.

Applicants' Information Disclosure Statement ("IDS") filed May 31, 2008 cited Defendant Teva's post-trial briefs from the litigation *Bayer Healthcare AG, Alcon, Inc. and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc.*, Civil Action No. 06-234 (SLR), involving the parent '830 patent. The Plaintiffs' post-trial brief on validity was cited in an IDS filed July 9, 2008. The present IDS cites Defendant Teva's post-trial reply brief on invalidity.

The Examiner is invited to telephone the undersigned at the number listed below if doing so would be helpful to resolve any outstanding issues.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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